

Applicant:	James A. McKeeth	<b>CERTIFICATE OF MAILING</b>  I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on  <u>December 9, 2005</u> (Date)  Eric M. Nelson, Reg. No. 43,829
App. No.:	09/349,735	
Filed:	July 8, 1999	
For:	TEXT BASED MARKUP LANGUAGE RESOURCE INTERFACE	
Examiner:	Truc T. Chuong	
Group Art Unit:	2179	

**PETITION FOR WITHDRAW HOLDING OF ABANDONMENT UNDER  
37 CFR 1.181**

ATTN: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.181(a) and M.P.E.P. § 711.03(c)(I)(a), Applicant hereby respectfully petitions that the Director withdraw any holding of abandonment in the above-captioned case and that the non-final Office Action originally mailed on May 18, 2005 be reissued because the Office Action was not received either by Applicant's representatives.

On May 31, 2000, an "Establishment of Right of Assignee to Take Action and Revocation and Power of Attorney" was filed by Applicant appointing Knobbe, Martens, Olson & Bear, LLP, Customer No. 20995 as its representative ("Representative") in the present application. A copy of this communication is attached as Exhibit A. On August 14, 2002, James B. Bear filed a "Request for Customer Number Data Change" changing the correspondence address of Representative. A copy of this communication is attached as Exhibit B. However, it appears that the USPTO did not change the address of Representative with respect to the present application.

As a result of a docketed status check, Representative has been informed by the Examiner that an Office Action was mailed on May 18, 2005 to the prior address of Applicant's representative. This Office Action was not received. While no notice of abandonment has been

received, Applicant understands that within the PTO's database, the status of this application is abandoned.

Upon a sufficient showing that an Office Action was not received, the Patent Office may grant a petition to withdraw a holding of abandonment and remail the Office Action. M.P.E.P. § 711.03(c)(I)(a) (citing *Delgar v. Schulyer*, 172 USPQ (DDC 1971)). To establish a sufficient showing, the applicant must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in petitioner's statement. *Id.* No fee is required for this petition. *See* M.P.E.P. § 711.03(c)(I).

Accordingly, the undersigned hereby states that the Office Action mailed on May 18, 2005 was not received by Representative. In particular, the undersigned attests that a search of the file jacket and the docket records indicates that the Office Action was not received. Upon review, it appears that several prior USPTO communications regarding the present application, which were mailed to Representative's old address, were received at Representative's new address due to the U.S. Postal Service forwarding the communications. However, it appears that the Postal Service is no longer forwarding communications to Representative's new address. Exhibit C is a docket record of the present application. As is apparent, the docket record fails to include any dates indicating receipt of the Office Action mailed on May 18, 2005.<sup>1</sup> Moreover, Representative's practice is to immediately scan all communications it receives from the USPTO into an electronic format document. These communications are electronically stored according to Representative's docket number. Exhibit D is a listing of all communications received for the present application. No entry exists showing receipt of any communication subsequent to November 11, 2004.

Applicant thus submits that a showing of non-receipt by Representative of the Office Action has been established. Accordingly, Applicant respectfully requests that any holding of abandonment be withdrawn and the Office Action remailed in accordance with M.P.E.P.

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<sup>1</sup> Note that only the docket records of the present application are shown. Representative maintains its docket records electronically thus records for only the present application are readily reproducible.

§ 703(c)(I)(A) thereby setting a new statutory deadline for response under 37 C.F.R. §§ 1.134 and 1.135(a).

No fee is believed due for this submission, as it is brought in accordance with the procedure described in M.P.E.P. § 711.03(c)(I), which states that “a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment . . . does not require a fee.” Should a fee be due, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 9, 2005

By: 

Eric M. Nelson  
Registration No. 43,829  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

INCOMING PATENT DOCKETING PROCEDURES  
U.S. PATENT POSTCARDS RECEIVED FOR OTHER PATENT MATTERS

CHECKED BY: jle DATE: 6/15/00 CASE NO: MPAT. 189A ATTY: \_\_\_\_\_



POA  
**UTILITY/DESIGN PATENT**

(miscellaneous)

Rec'd in the U.S.P.T.O. on the date stamped hereon via Certificate of Mail:

Atty. Dkt. # MPAT. 189A

A/N: 09/349,735

Date: 5/31/00  
Date of O.A.: NONE  
Filed: 7/8/99

Pat. # NONE

Issued: N/A

Atty: DSH

Exr: UNKNOWN Art Unit: 2741

Batch: N/A

Re-Exam # N/A

Title: TEXT BASED MARKUP...

Applicant: JAMES MCKEETH

VERIFIED BY: Asst: DP

Quality Control:

☒ ESTABLISHMENT OF RIGHT OF ASSIGNMENT TO TAKE ACTION & REVOCATION AND POWER OF ATTORNEY

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7/96

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Access 3 UPDATE ACTION FILE & DOCKETS screen, then access 1 UPDATE ACTION DATA. Alt F5, type case number and press F3.

Alt F3 to search for one of the following action types "M/D MAINT FEE, M/D ISSUE FEE, US-ASSIGNMENT, M/D CORRECT F/R, MD PETITION PTO, or STATUS CHK PTO". Change "No" to "Yes" in same line as POSTCARD REC'D under Taken column.

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EXHIBIT A

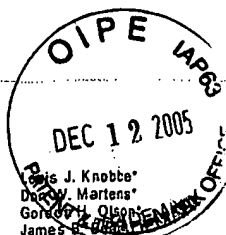


EXHIBIT B

## Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-9502  
knob.com

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Tomohisa Sugiyama

European Patent Atty  
Martin Heilebrandt

Korean Patent Atty  
Mincheol Kim  
Heungsoo Choi

Solicitor (England & Wales)  
J. David Evered

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Ed DesJardins, Ph.D.\*\*  
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Lang J. McHardy  
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\* A Professional Corporation  
† Also Barrister At Law (Eng & Wales)  
\*\* U.S. Patent Agent

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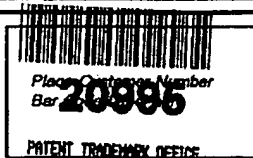
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Please record the following data changes to Customer Number:Type Customer Number here ☒ Please change Correspondence Address to:

<b>Firm or Individual Name</b>	KNOBBE, MARTENS, OLSON & BEAR, LLP			
<b>Address</b>	2040 Main Street			
<b>Address</b>	Fourteenth Floor			
<b>City</b>	<input type="text" value="Irvine"/>	<b>State</b>	<input type="text" value="CA"/>	<b>ZIP</b> <input type="text" value="92614"/>
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☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto**Request Submitted by:**

<b>Firm Name (if applicable)</b>	KNOBBE, MARTENS, OLSON & BEAR, LLP	
<b>Name of Person submitting request</b>	JAMES B. BEAR, MANAGING PARTNER	
<b>Signature</b>		
<b>Telephone Number</b>	<input type="text" value="(949) 760-0404"/>	<b>Date</b> <input type="text" value="8-14-02"/>

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# Country Application

Thursday, December 08, 2005

Case Number: MTIPAT.180A

Country: US

NP Instr. Date:

Application Number: 09/349735

Patent Number:

Publication Number:

Entity: LE

Client: MTIPAT

Tax Due Date:

Annuity Number:

Priority Number:

Assignee:

Country of Origin:

Applicant:

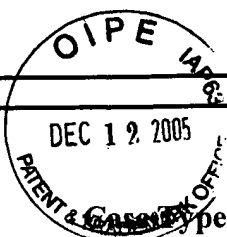
Inventors:

MCKEETH, JAMES A.

Title: TEXT BASED MARKUP LANGUAGE RESOURCE INTERFACE

Remarks: RCE filed 02/02/05 RCE filed 3/3/04

User ID: TKH



Case Type: ORD

Filing Date: 08-Jul-1999

Issued Date:

Publication Date:

Abandoned Date:

Prosecuting: /

Sub Case:

Status: Pending

Expir. Date:

Agent:

Agent Ref:

Priority Date:

Bar Code Date:

Tax Start Date:

Invention Attorney(s):

JRK

EMN

JGR

Date Created: 16-Jun-2000

Last Update: 02-Dec-2005

## List Of User Actions

Action(s) Due	Due Date	Indicator	Action
STATUS RCE APP	02-Jan-2006	Due Date	
Faxed to PTO/Change of Address	03-Oct-2005	Due Date	03-Oct-2005
3rd/Final Ext FinalOA/File RCE	03-May-2005	Final	02-Feb-2005
2nd Ext Final OA	03-Apr-2005	Due Date	02-Feb-2005
POSTCARD RECVD?	02-Apr-2005	Due Date	10-Feb-2005
1st Ext Final OA	03-Mar-2005	Due Date	02-Feb-2005
Final OA 3 Mon/File Appeal	03-Feb-2005	Due Date	02-Feb-2005
Final OA 2 Month Date	03-Jan-2005	Due Date	30-Dec-2004
3rd/Final Ext FinalOA/File RCE	01-Dec-2004	Final	30-Jul-2004
Appeal Stat Per/File RCE?	01-Dec-2004	Final	09-Nov-2004
Appeal/2nd Ext	01-Nov-2004	Due Date	29-Oct-2004
2nd Ext Final OA	01-Nov-2004	Due Date	30-Jul-2004
Postcard Recvd?/Amend AF	30-Oct-2004	Reminder	10-Aug-2004
Appeal/1st Ext	01-Oct-2004	Due Date	30-Sep-2004
1st Ext Final OA	01-Oct-2004	Due Date	30-Jul-2004

EXHIBIT C

STATUS RCE APP	03-Sep-2004	Due Date	09-Jun-2004
File Notice of Appeal?	01-Sep-2004	Due Date	31-Aug-2004
Final OA 3 Mon/File Appeal	01-Sep-2004	Due Date	30-Jul-2004
Final OA 2 Month Date	01-Aug-2004	Due Date	30-Jul-2004
3rd/Final Ext FinalOA/File RCE	04-Jun-2004	Final	03-Mar-2004
2nd Ext Final OA	04-May-2004	Due Date	03-Mar-2004
POSTCARD RECVD?	03-May-2004	Due Date	15-Mar-2004
1st Ext Final OA	04-Apr-2004	Due Date	03-Mar-2004
Final OA 3 Mon/File Appeal	04-Mar-2004	Due Date	03-Mar-2004
US-PAT OA 3 MON Follow Up Date	28-Feb-2004	Due Date	16-Dec-2003
Final OA 2 Month Date	04-Feb-2004	Due Date	03-Feb-2004
Postcard Recvd?/Amendment	28-Nov-2003	Reminder	09-Sep-2003
3rd Ext Amendment	09-Nov-2003	Final	28-Aug-2003
2nd Ext Amendment	09-Oct-2003	Due Date	28-Aug-2003
US-PAT OA 3 MON Follow Up Date	30-Sep-2003	Due Date	13-May-2003
3rd Ext Amendment	12-Sep-2003	Final	31-Mar-2003
1st Ext Amendment	09-Sep-2003	Due Date	28-Aug-2003
2nd Ext Amendment	12-Aug-2003	Due Date	31-Mar-2003
Amendment Due	09-Aug-2003	Due Date	09-Aug-2003
1st Ext Amendment	12-Jul-2003	Due Date	31-Mar-2003
Postcard Recvd?/Amend	30-Jun-2003	Reminder	11-Apr-2003
Amendment Due	12-Jun-2003	Due Date	31-Mar-2003
STATUS CHECK	26-Mar-2003	Due Date	20-Mar-2003
F/U STATUS CHCK	13-Jun-2002	Reminder	06-Mar-2002
POSTCARD REC'D	13-Feb-2002	Reminder	30-Jan-2002
STATUS CHECK	08-Dec-2001	Reminder	13-Dec-2001
STATUS CHK Follow Up Date	08-Jul-2001	Due Date	08-Jan-2001
IDS Follow Up Date	06-Jun-2001	Due Date	06-Dec-2000
POSTCARD REC'D?	06-Mar-2001	Reminder	27-Dec-2000
STATUS CHK	08-Jan-2001	Due Date	08-Jan-2001
M/D REVO & POA Follow Up Date	12-Dec-2000	Due Date	12-Jun-2000

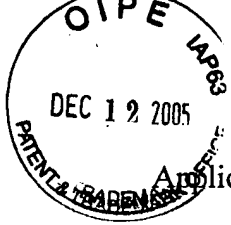


REVO ACCEPTED	31-Oct-2000	Reminder	12-Jun-2000
POSTCARD RECD?	31-Aug-2000	Reminder	12-Jun-2000
FORE FILE	08-Jul-2000	Due Date	11-Apr-2001
IDS	08-Oct-1999	Due Date	06-Dec-2000

A screenshot of a Windows XP desktop environment. The primary focus is a web browser window displaying a file list from a local intranet. The browser's address bar shows the path 'M:\MTIPAT\180A\PTO\INCOMING'. The file list table includes columns for Name, Size, Type, and Date Modified, listing several PDF files. The browser's sidebar on the left contains sections for 'File and Folder Tasks' (with options like 'Make a new folder' and 'Publish this folder to the Web') and 'Other Places' (listing 'PTO', 'My Documents', 'My Computer', and an IP address). The desktop background is a dark, textured image. The taskbar at the bottom shows the Start button, several open application icons, and a system clock displaying '2:36 MB' and 'Local intranet'.

MPAT-189A

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James McKeeth )  
App. No. : 09/349,735 )  
Filed : July 8, 1999 )  
For : TEXT BASED MARKUP )  
LANGUAGE RESOURCE )  
INTERFACE )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). The original assignment is recorded at Reel 010185 and Frame 0492. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

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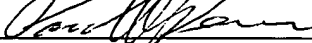
**App. No.** : 09/349,735  
**Filed** : July 8, 1999

(949) 760-0404, **Customer No. 20,995**; also Steven P. Arnold, Registration No. 33,354, Hoyt A. Fleming, III, Registration No. 41,752, and Paul A. Revis, Registration No. 45,040, of Micron Electronics, Inc., 900 East Karcher Road, Nampa, Idaho 83687, Telephone (208) 898-3434 as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Micron Electronics, Inc.

Dated: 5/16/0

By:   
Paul A. Revis

Title: Intellectual Property Counsel

Address: 900 East Karcher Road  
Nampa, Idaho 83687

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